

## State of Utah

DEPARTMENT OF NATURAL RESOURCES

MICHAEL R STYLER Executive Director

Division of Oil, Gas and Mining

JOHN R. BAZA Division Director

May 20, 2009

CERTIFIED RETURN RECEIPT 7005 2570 0000 4801 7727

Justin Farley United Stone and Design PO Box 99 Duchesne, Utah 84021

Subject: Proposed Assessment for State Failure to Abate Cessation Order No. MC-2008-59-02,

United Stone and Design, United Stone Mine, S/047/0079, Uinta County, Utah

Response Due By: 30 Days of Receipt

Dear Mr. Farley:

The undersigned has been appointed by the Division of Oil, Gas & Mining as the Assessment Officer for assessing penalties under R647-7.

The proposed penalty assessment of \$6,000.00 for the Failure to Abate Cessation Order # MC-2008-59-02, (FTACO) which was issued November 13, 2008 was determined utilizing Rule R647-7-103 et seq. as follows:

Effective date of the FTACO: December 8, 2008 (date the FTACO was served) Effective date of Abatement: December 16, 2008 (date DOGM was notified abatement work was completed)

The FTACO was in effect for 8 days.

Proposed assessment: \$6,000.00 (minimum mandatory assessment of \$750.00

(per day)

By these rules, any written information which was submitted by you or your agent within fifteen (15) days of receipt of this FTACO has been considered in determining the facts surrounding the violation and the amount of this penalty.





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GARY R HERBERT JOHN R BAZA

Under R647-7-106, there are two informal appeal options available to you You may appeal the 'Fact of the Violation', the proposed civil penalty, or both. If you wish to informally appeal you should file a written request for an Informal Conference within thirty 30 days of receipt of this letter with Vickie Southwick of the Division.

The informal conference will be conducted by a Division-appointed Conference Officer. The informal conference for the fact of the violation is distinct from the informal assessment conference regarding the proposed penalty. If you wish to review both the fact of the violation and proposed penalty assessment, you should file a written request for an Assessment Conference within thirty- (30) days of receipt of this letter. If you are also requesting both a review of the fact of violation, and the proposed penalty, the assessment conference will be scheduled immediately following the review of the fact of the violation.

If a timely request for review is not made, the fact of the violation will stand, the proposed penalty will become final, and will be due and payable within thirty- (30) days of the date of this proposed assessment (by June 22, 2009). Please remit payment to the Division, mail c/o Vicki Bailey...

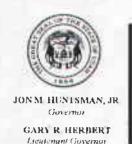
Sincerely,

Lynn Kunzler Assessment Officer



cc: Vicki Bailey, Accounting
Vickie Southwick, Exec. Sec.
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Division of Oil, Gas and Mining

JOHN R BAZA
Division Director

# TERMINATION of Cessation Order

To the following Permittee or Operator:

Mailing Address:	PO Box 99, Duchesne, 1	UT 84021
Mine Name:	United Stone & Design	Permit Number: <u>S/047/0079</u>
Utah Mined Land	Reclamation Act, Section 40-8-	-1 et. seq , Utah Code Annotated (1953)
Failure to	Abate Cessation Order No: Mo	C-2008-59-02 dated. November 13, 2009
is 🔲 vac	_	abatement work. He has removed the trash from the
200		ed the stockpiled mining product into town.
2-4990	The state of the s	
Ten	mination is effective December 1	
		6, 2008 (date Division received documentation from the limit disturbance to acreage for which bond is held.)
		6, 2008 (date Division received documentation from th
		6, 2008 (date Division received documentation from th
		6, 2008 (date Division received documentation from th
oper		6, 2008 (date Division received documentation from th
Date of service/m	ator complying with agreement	6, 2008 (date Division received documentation from the to limit disturbance to acreage for which bond is held.)

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